



*JW* 3732

Docket: 14484

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor:	Michael R. Klardie	
Appln. No.:	10/099,930	
Filing Date:	March 13, 2002	Examiner: Melba N. Bumgarner
Title:	IMPRESSION CAP	Group Art Unit: 3732

**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this document is being sent via First Class U.S. mail addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19 day of June, 2006

*Sue Henabell*  
(Signature)

Sir:

The owner, Lifecore Biomedical, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the patent issuing from co-pending application number 10/356,735. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that such patent and the patent issuing from co-pending application number 10/356,735 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the patent issuing from co-pending application number 10/356,735, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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01 FC:2814

The undersigned is the attorney or agent of record in this application.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

Date:

June 19, 2006

By:

David N. Fronek  
David N. Fronek, Reg. No. 25,678  
(612) 340-2629

Effective on 02/07/06

# FEE TRANSMITTAL SHEET (FY 2006)



## Complete if Known

Application No.	10/099,930
Filing Date	March 13, 2002
First Inventor	Michael R. Klardie
Group Art Unit	3732
Examiner Name	Melba N. Bumgarner
Atty. Docket Number	14484

☒ Applicant claims small entity status (see 37 C.F.R. 1.27(a))

### METHOD OF PAYMENT (Check One)

☒ Check    ☐ Credit Card    ☐ Money Order

☒ Deposit Account No.: 04-1420

Deposit Account Name: DORSEY &amp; WHITNEY LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17

☐ Credit any overpayments

☐ Other (please identify):

#### Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims		=	x \$	= \$
<b>Total (Extra Claims)</b>				<b>\$</b>

### Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

- ☐ Petition Fee under 37 CFR 1.17(f) **Fee \$400**
- § 1.53(e) to accord a filing date.
- § 1.57(a) to accord a filing date.
- § 1.182 for decision on a question not provided for.
- § 1.183 to suspend the rules.
- § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
- § 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term.
- ☐ Petition Fee under 37 CFR 1.17(g) **Fee \$200**
- § 1.12 for access to an assignment record.
- § 1.14 for access to an application.
- § 1.47 for filing by other than all inventors or person not the inventor.
- § 1.59 for expungement of information.
- § 1.103(a) to suspend action in an application.
- § 1.136(b) for review of a request for ext. of time when §1.136(a) not avail.
- § 1.295 for review of refusal to publish a statutory invention registration.
- § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.
- § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
- § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.
- § 5.12 for expedited handling of foreign filing license.
- § 5.15 for changing the scope of a license.
- § 1.5.25 for retroactive license.
- ☐ Petition Fee under 37 CFR 1.17(h) **Fee \$130**
- § 1.19(g) to request documents in a form other than provided in this part.
- § 1.84 for accepting color drawings or photographs.
- § 1.91 for entry of a model or exhibit.
- § 1.102(d) to make an application special.
- § 1.138(c) to expressly abandon an application to avoid publication.
- § 1.313 to withdraw an application from issue.
- § 1.314 to defer issuance of a patent.

### FEE CALCULATION (Continued)

#### 3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
130	65	Terminal Disclaimer Fee	\$65.00
1,400	700	Utility & Reissue Issue Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
300		Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	

OTHER FEE  
(specify)

Subtotal (Additional Fees) \$65.00

**Total Amount of Payment: \$65.00**

Submitted by:

CUSTOMER NUMBER  
**25763**

DORSEY &amp; WHITNEY LLP

Name: David D. Fronek

Phone No.: (612) 340-2629

Fax No.: (612) 340-8856

Signature:

Reg. No.: 25,678

Date: June 19, 2006